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RALPH B. BRICK

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/781,786
Filing Date	02/12/00
First Named Inventor	KYUNG-JU CHOI
Group Art Unit	1723
Examiner Name	TERRY K. GESSIL
Attorney Docket Number	00-6AAT (DN) 1818

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/20) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14895 (Mar. 20, 2000), 1235 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
i. ☐ Consider the amendment(s) reply under 37 C.F.R. § 1.116 previously filed on 08/27/02
(Any unentered amendment(s) referred to above will be entered).
ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
iii. ☐ Other _____
b. ☒ Enclosed
i. ☒ Amendment/Reply - Amendment "C"
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
i. ☐ \$400.00 required under 37 C.F.R. § 1.17(e)
ii. ☐ \$75.00 per hour of time fee (37 C.F.R. §§ 1.136 and 1.17)
iii. ☐ Other _____
b. ☐ Check in the amount of \$ 1112.00 enclosed
c. ☒ Payment by credit card (Form PTO-2035 enclosed) 1740.00 + 37.00 = 1112.00 (RCE Fee + add'l H. Charge)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Ralph B. Brick	Registration No. (Attorney/Agent)	17444
Signature	<i>Ralph B. Brick</i>	Date	10/14/02

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)	Ralph B. Brick	Date	10/14/02
Signature	<i>Ralph B. Brick</i>		

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10/14/02

FAX After Final 1-703-872-9311 (20 pages) + RCE
Att: EXC Terry Cecil - Art Unit 1723 with request
to confirm receipt. Requester's Reg No. 17444 PATENT

#17444
11/6/02
J. Butts

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT : KYUNG-JU CHOI
SERIAL NO. : 09/781,786
FILING DATE : 02/12/01
ART UNIT : 1723
EXAMINER : TERRY K. CECIL
FOR : PRODUCT AND METHOD OF FORMING
SUCCESSIVE LAYERS OF FACE-TO-FACE
ADJACENT MEDIA WITH CALCULATED PORE SIZE
DOCKET NO. : 00-6AAF (DN 7814)

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C. J.

Box RCE Amendment
Commissioner for Patents
Washington, D.C. 20231

RCE TRANSMITTAL
AMENDMENT "C"

This is a Request for Continued Examination (RCE) in response to the Patent Office communication dated 09/16/02 wherein the Examiner indicated at Page 2 of the Advisory Action of Paper No 10 - as well as in telephone discussions - that Applicant's invention seems more conducive to method claims in the absence of corresponding structure in the media

It respectfully is submitted that the unique and novel presently amended product and method Claims 1-27 are a unified portion of the Applicant's invention since they set forth a unique product (Figures 2 and 3) which results from a novel method of calculation which now is expressed in the additional new Claims 28-44 of Exhibit "A" (RCE) included herewith, along

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with further modifications to parent Claims 1, 18, 19, and 27 and accordingly the dependent Claims therefrom.

As to the presently amended parent Claims of method Claims 19-27, these now amended Claims set forth a unique method which finds corresponding structure in the schematic flow diagrams of Figures 1A and Figure 1B (described at page 7 of the Specification under "BRIEF DESCRIPTION OF THE DRAWINGS").

All of the Claims, both newly added and initially filed Claims bring out in each of the parent Claims, Applicant's inventive feature with respect to the "porosity" factor comprising the ratio of pore volume to the total volume of filter media. This feature -- which Examiner consistently appears to ignore or disregard -- is clearly recited at page 14, line 14 of Applicant's initially filed Specification and now in all of the parent Claims. It is one of the many important features of Applicant's unique and novel invention and as discussed in Applicant's Amendment "B", there is neither a teaching nor the faintest suggestion whatsoever of the important four combined factors of layer thickness, porosity, fiber and pore sizes. In fact, there is no mention whatsoever in this AP article of the "porosity" factor and it is this factor of "porosity" in combination with the other three considered factors that assures the now clearly recited result wherein overall average pore size of the combined successive thicknesses is smaller than that of the average overall pore size of that of the finest fiber thickness, so as to optimize filtration performance efficiency. Neither AP nor any of the other references of record teach or suggest such result let alone the manner of reaching such result and Examiner's suggestion that such result could be arrived at by the A-P reference without the absent factor consideration of "porosity" is at best an inaccurate and cavalier assumption.

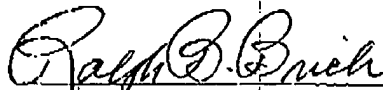
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For the reasons previously stated in Amendment "B" and for those set forth herein, it respectfully is submitted that now pending Claims 1-44 (as amended) should be held allowable and the instant application should be passed to Issue.

Concerning the two bulleted items, the numerals 4 and 4' are now incorporated in the corrected drawings (Figures 1A and 1B, respectively) per my letter mailed on the 25th day of August, 2002. Further, the Specification paragraph beginning at page 8 has been amended at continuing page 9, the 5th, 6th and 8th lines from the page bottom to include 21', 37' and 38'.

Applicant is faxing this "RCE" to Examiner at the fax number below. In the event Examiner persists in its rejection of the Claims as now amended, it respectfully is requested Examiner telephone Applicant's Attorney at the telephone number below in order to resolve any remaining differences or to arrange for an interview at Examiner's office, with Examiner, Examiner's Supervisor, Applicant's Attorney and hopefully, Dr. Choi in attendance.

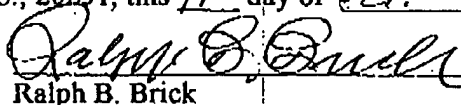
Respectfully submitted,



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CERTIFICATION

I HEREBY CERTIFY that this correspondence is being faxed to Examiner at telephone number: 703-872-9311, with the correspondence being addressed to: Box RCE Amendment, Commissioner for Patents, Washington, D.C., 20231, this 14th day of Oct., 2002.


Ralph B. Brick

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